

SECOND REGULAR SESSION

REVISION

SENATE BILL NO. 961

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 16, 2008, and ordered printed.

3967L.01I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.800, 21.811, 28.163, 32.117, 57.080, 57.130, 71.970, 99.799, 115.177, 143.171, 165.016, 165.018, 174.020, 197.305, 197.318, 197.366, 208.344, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 313.835, 328.050, 329.028, 329.240, 374.208, 376.671, and 620.515, RSMo, and to enact in lieu thereof thirteen new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 21.800, 21.811, 28.163, 32.117, 57.080, 57.130, 71.970, 99.799, 115.177, 143.171, 165.016, 165.018, 174.020, 197.305, 197.318, 197.366, 208.344, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 313.835, 328.050, 329.028, 329.240, 374.208, 376.671, and 620.515, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 32.117, 57.080, 115.177, 143.171, 174.020, 197.305, 197.318, 197.366, 313.835, 328.050, 329.028, 329.240, and 620.515, to read as follows:

32.117. 1. Any business firm which engages in the activity of providing a homeless assistance project for low-income persons in the state of Missouri shall receive a tax credit as provided in section 32.115, if the division of community development within the department of economic development annually approves the proposal of the business firm. The proposal shall only be approved if the project is located in a city with a population of four hundred thousand or more inhabitants which is located in more than one county and which serves a mix of rural and urban counties.

2. For purposes of this section "low-income persons" shall mean families

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 or persons with incomes of fifty percent or less of median income adjusted for
11 family size as allowed by the Department of Housing and Urban Development
12 (HUD) under section 8.

13 3. The purpose of a homeless assistance project shall be to serve
14 low-income families or persons who are experiencing economic crisis caused by
15 one or more of the following:

- 16 (1) Loss of employment;
- 17 (2) Medical disability or emergency;
- 18 (3) Loss or delay of some form of public assistance benefits;
- 19 (4) Natural disaster;
- 20 (5) Substantial change in household composition;
- 21 (6) Victimization by criminal activity;
- 22 (7) Illegal action by a landlord;
- 23 (8) Displacement by government or private action; or
- 24 (9) Some other condition which constitutes a hardship.

25 4. The amount of the tax credit shall not exceed fifty-five percent of the
26 value of the proposal benefits, which shall include one or more of the following
27 types of benefits to low-income persons in order to be eligible:

- 28 (1) Payment of rent or mortgage for not more than three months during
29 any twelve-month period;
- 30 (2) Payment to a landlord of a rent deposit or a security deposit for not
31 more than two months during any twelve-month period;
- 32 (3) Case management services which shall include support services such
33 as child care, education resource assistance, job resource assistance, counseling,
34 and resource and referral;
- 35 (4) Outreach services to low-income persons to prevent homelessness;
- 36 (5) Transitional housing facilities with support services.

37 5. The homeless assistance program shall give priority to the following
38 types of low-income families or individuals:

- 39 (1) Families with minor children who are in imminent danger of removal
40 from the family because of a lack of suitable housing accommodation;
- 41 (2) Single parent household;
- 42 (3) Other households with children;
- 43 (4) Households with a disabled household member or a household member
44 who is at least sixty-five years of age;
- 45 (5) All other households.

46 6. The organization implementing a homeless assistance program

47 pursuant to this section shall make annual reports identifying the goal of the
48 program, the number of recipients served, the type of services rendered, and
49 moneys expended to provide the program. The program report shall be submitted
50 to the governor, speaker of the house of representatives and the president pro tem
51 of the senate. These reports shall also be available to the general public upon
52 request.

53 [7. For each of the fiscal years beginning on July 1, 1991, and July 1,
54 1992, one million dollars in tax credits may be allowed to be used for the
55 homeless assistance pilot project, pursuant to this section.]

56 EXPLANATION: Subsection 7 is ineffective; it applies to fiscal years 1992 and
57 1993 only.

57.080. [1.] Whenever from any cause the office of sheriff becomes vacant,
2 the same shall be filled by the county commission; if such vacancy happens more
3 than nine months prior to the time of holding a general election, such county
4 commission shall immediately order a special election to fill the same, and the
5 person by it appointed shall hold said office until the person chosen at such
6 election shall be duly qualified; otherwise the person appointed by such county
7 commission shall hold office until the person chosen at such general election shall
8 be duly qualified; but while such vacancy continues, any writ or process directed
9 to the said sheriff and in such sheriff's hands at the time such vacancy occurs,
10 remaining unexecuted, and any writ or process issued after such vacancy, may be
11 served by any person selected by the plaintiff, the plaintiff's agent or attorney,
12 at the risk of such plaintiff; and the clerk of any court out of which such writ or
13 process shall issue shall endorse on such writ or process the authority to such
14 person to execute and return the same, and shall state on such endorsement that
15 the authority thus given is "at the request and risk of the plaintiff", and the
16 person so named in said writ or process may proceed to execute and return said
17 process, as sheriffs are by the law required to do. Such election shall be held on
18 or before the tenth Tuesday after the vacancy occurs. Upon the occurrence of
19 such vacancy, it shall be the duty of the presiding commissioner of the county
20 commission, if such commission be not then in session, to call a special term
21 thereof, and cause said election to be held.

22 [2. Notwithstanding the provisions of this section to the contrary, if a
23 vacancy occurs in the office of the sheriff in any county of the first classification
24 with more than seventy-one thousand three hundred but fewer than seventy-one
25 thousand four hundred inhabitants, the election to fill such vacancy shall be held
26 on the general municipal election day as provided for in section 115.121,

27 RSMo. The provisions of this subsection shall expire on June 1, 2005.]

28 EXPLANATION: Subsection 2 of this section expired 06-01-05.

115.177. Nothing in this subchapter shall be construed in any way as
2 interfering with or discontinuing any person's valid registration which is in effect
3 on January 1, 1978, until such time as the person is required to transfer his
4 registration or to reregister under the provisions of sections 115.001 to 115.641
5 [and sections 51.450 and 51.460, RSMo].

6 EXPLANATION: The intersectional references at the end of this section are no
7 longer accurate.

143.171. 1. [For all tax years beginning before January 1, 1994, for an
2 individual taxpayer and for all tax years beginning before September 1, 1993, for
3 a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal
4 income tax liability under chapter 1 of the Internal Revenue Code for the same
5 taxable year for which the Missouri return is being filed after reduction for all
6 credits thereon, except the credit for payments of federal estimated tax, the credit
7 for the overpayment of any federal tax, and the credits allowed by the Internal
8 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign
9 country and United States possessions), and section 34 (tax on certain uses of
10 gasoline, special fuels, and lubricating oils).

11 2.] For all tax years beginning on or after January 1, 1994, an individual
12 taxpayer shall be allowed a deduction for his federal income tax liability under
13 chapter 1 of the Internal Revenue Code for the same taxable year for which the
14 Missouri return is being filed, not to exceed five thousand dollars on a single
15 taxpayer's return or ten thousand dollars on a combined return, after reduction
16 for all credits thereon, except the credit for payments of federal estimated tax, the
17 credit for the overpayment of any federal tax, and the credits allowed by the
18 Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of
19 foreign country and United States possessions), and section 34 (tax on certain
20 uses of gasoline, special fuels, and lubricating oils).

21 [3.] 2. For all tax years beginning on or after September 1, 1993, a
22 corporate taxpayer shall be allowed a deduction for fifty percent of its federal
23 income tax liability under chapter 1 of the Internal Revenue Code for the same
24 taxable year for which the Missouri return is being filed after reduction for all
25 credits thereon, except the credit for payments of federal estimated tax, the credit
26 for the overpayment of any federal tax, and the credits allowed by the Internal
27 Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign
28 country and United States possessions), and section 34 (tax on certain uses of

29 gasoline, special fuels and lubricating oils).

30 [4.] 3. If a federal income tax liability for a tax year prior to the
31 applicability of sections 143.011 to 143.996 for which he was not previously
32 entitled to a Missouri deduction is later paid or accrued, he may deduct the
33 federal tax in the later year to the extent it would have been deductible if paid
34 or accrued in the prior year.

35 EXPLANATION: Subsection 1 of this section is ineffective; it applies to tax years
36 prior to 1994.

174.020. 1. Except as provided in subsection 5 of this section, state
2 institutions of higher education governed by sections 174.020 to 174.500 shall be
3 named and known as follows: the institution at Warrensburg, Johnson County,
4 shall hereafter be known as the "Central Missouri State University"; the
5 institution at Cape Girardeau, Cape Girardeau County, shall hereafter be known
6 as the "Southeast Missouri State University"; the institution at Springfield,
7 Greene County, shall hereafter be known as the "Missouri State University"; the
8 institution at Maryville, Nodaway County, shall hereafter be known as the
9 "Northwest Missouri State University"; the institution at St. Joseph, Buchanan
10 County, shall hereafter be known as the "Missouri Western State University"; the
11 institution at Joplin, Jasper County, shall hereafter be known as the "Missouri
12 Southern State University"; and the college in the city of St. Louis shall be known
13 as "Harris-Stowe State University".

14 2. References in the statutes in this state to such institutions whether
15 denominated colleges or universities in such statutes or whether said institutions
16 are renamed in subsection 1 of this section shall continue to apply to the
17 applicable institution.

18 3. Any costs incurred with respect to modifications of the names of the
19 state colleges and universities specified in subsection 1 of this section shall not
20 be paid from state funds.

21 4. When the conditions set forth in section 178.631, RSMo, are met, the
22 technical college located in Osage County, commonly known as the East Campus
23 of Linn Technical College, shall be known as "Linn State Technical College".

24 [5. The board of governors of the institution at Warrensburg, Johnson
25 County, may alter the name of such institution to "The University of Central
26 Missouri" upon the approval of at least four voting members of the board. Upon
27 such a vote, the board shall provide written notice to the revisor of statutes
28 affirming that the board has approved the alteration. From the date the revisor
29 receives the notice, the institution at Warrensburg, Johnson County, shall be

30 named and known as "The University of Central Missouri". The provisions of this
31 subsection shall expire on August 28, 2007.]

32 EXPLANATION: Subsection 5 of this section expired 08-28-07.

197.305. As used in sections 197.300 to 197.366, the following terms
2 mean:

3 (1) "Affected persons", the person proposing the development of a new
4 institutional health service, the public to be served, and health care facilities
5 within the service area in which the proposed new health care service is to be
6 developed;

7 (2) "Agency", the certificate of need program of the Missouri department
8 of health and senior services;

9 (3) "Capital expenditure", an expenditure by or on behalf of a health care
10 facility which, under generally accepted accounting principles, is not properly
11 chargeable as an expense of operation and maintenance;

12 (4) "Certificate of need", a written certificate issued by the committee
13 setting forth the committee's affirmative finding that a proposed project
14 sufficiently satisfies the criteria prescribed for such projects by sections 197.300
15 to 197.366;

16 (5) "Develop", to undertake those activities which on their completion will
17 result in the offering of a new institutional health service or the incurring of a
18 financial obligation in relation to the offering of such a service;

19 (6) "Expenditure minimum" shall mean:

20 (a) For beds in existing or proposed health care facilities licensed
21 pursuant to chapter 198, RSMo, and long-term care beds in a hospital as
22 described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred
23 thousand dollars in the case of capital expenditures, or four hundred thousand
24 dollars in the case of major medical equipment, provided, however, that prior to
25 January 1, 2003, the expenditure minimum for beds in such a facility and
26 long-term care beds in a hospital described in section 198.012, RSMo, shall be
27 zero, subject to the provisions of subsection [7] 6 of section 197.318;

28 (b) For beds or equipment in a long-term care hospital meeting the
29 requirements described in 42 CFR, Section 412.23(e), the expenditure minimum
30 shall be zero; and

31 (c) For health care facilities, new institutional health services or beds not
32 described in paragraph (a) or (b) of this subdivision one million dollars in the case
33 of capital expenditures, excluding major medical equipment, and one million
34 dollars in the case of medical equipment;

(7) ["Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities and assisted living facilities, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility or assisted living facility operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

[(9)] (8) "Major medical equipment", medical equipment used for the provision of medical and other health services;

[(10)] (9) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision [(13)] (12) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in

72 a health care facility and which were not offered on a regular basis in such health
73 care facility within the twelve-month period prior to the time such services would
74 be offered;

75 (g) A reallocation by an existing health care facility of licensed beds
76 among major types of service or reallocation of licensed beds from one physical
77 facility or site to another by more than ten beds or more than ten percent of total
78 licensed bed capacity, whichever is less, over a two-year period;

79 [(11)] (10) "Nonsubstantive projects", projects which do not involve the
80 addition, replacement, modernization or conversion of beds or the provision of a
81 new health service but which include a capital expenditure which exceeds the
82 expenditure minimum and are due to an act of God or a normal consequence of
83 maintaining health care services, facility or equipment;

84 [(12)] (11) "Person", any individual, trust, estate, partnership,
85 corporation, including associations and joint stock companies, state or political
86 subdivision or instrumentality thereof, including a municipal corporation;

87 [(13)] (12) "Predevelopment activities", expenditures for architectural
88 designs, plans, working drawings and specifications, and any arrangement or
89 commitment made for financing; but excluding submission of an application for
90 a certificate of need.

91 EXPLANATION: Subdivision (7) of this section is ineffective; the definition for
92 "health care facilities" in Section 197.366 became applicable after December 31,
93 2001.

197.318. 1. The provisions of section 197.317 shall not apply to a
2 residential care facility, assisted living facility, intermediate care facility or
3 skilled nursing facility only where the department of social services has first
4 determined that there presently exists a need for additional beds of that
5 classification because the average occupancy of all licensed and available
6 residential care facility, assisted living facility, intermediate care facility and
7 skilled nursing facility beds exceeds ninety percent for at least four consecutive
8 calendar quarters, in a particular county, and within a fifteen-mile radius of the
9 proposed facility, and the facility otherwise appears to qualify for a certificate of
10 need. The department's certification that there is no need for additional beds
11 shall serve as the final determination and decision of the committee. In
12 determining ninety percent occupancy, residential care facility and assisted living
13 facility shall be one separate classification and intermediate care and skilled
14 nursing facilities are another separate classification.

15 2. The Missouri health facilities review committee may, for any facility

16 certified to it by the department, consider the predominant ethnic or religious
17 composition of the residents to be served by that facility in considering whether
18 to grant a certificate of need.

19 3. [There shall be no expenditure minimum for facilities, beds, or services
20 referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of
21 this subsection shall expire January 1, 2003.

22 4.] As used in this section, the term "licensed and available" means beds
23 which are actually in place and for which a license has been issued.

24 [5.] 4. The provisions of section 197.317 shall not apply to any facility
25 where at least ninety-five percent of the patients require diets meeting the
26 dietary standards defined by section 196.165, RSMo.

27 [6.] 5. The committee shall review all letters of intent and applications
28 for long-term care hospital beds meeting the requirements described in 42 CFR,
29 Section 412.23(e) under its criteria and standards for long-term care beds.

30 [7.] 6. Sections 197.300 to 197.366 shall not be construed to apply to
31 litigation pending in state court on or before April 1, 1996, in which the Missouri
32 health facilities review committee is a defendant in an action concerning the
33 application of sections 197.300 to 197.366 to long-term care hospital beds meeting
34 the requirements described in 42 CFR, Section 412.23(e).

35 [8.] 7. Notwithstanding any other provision of this chapter to the
36 contrary:

37 (1) A facility licensed pursuant to chapter 198, RSMo, may increase its
38 licensed bed capacity by:

39 (a) Submitting a letter of intent to expand to the division of aging and the
40 health facilities review committee;

41 (b) Certification from the division of aging that the facility:

42 a. Has no patient care class I deficiencies within the last eighteen months;
43 and

44 b. Has maintained a ninety-percent average occupancy rate for the
45 previous six quarters;

46 (c) Has made an effort to purchase beds for eighteen months following the
47 date the letter of intent to expand is submitted pursuant to paragraph (a) of this
48 subdivision. For purposes of this paragraph, an "effort to purchase" means a copy
49 certified by the offeror as an offer to purchase beds from another licensed facility
50 in the same licensure category; and

51 (d) If an agreement is reached by the selling and purchasing entities, the
52 health facilities review committee shall issue a certificate of need for the

53 expansion of the purchaser facility upon surrender of the seller's license; or

54 (e) If no agreement is reached by the selling and purchasing entities, the
55 health facilities review committee shall permit an expansion for:

56 a. A facility with more than forty beds may expand its licensed bed
57 capacity within the same licensure category by twenty-five percent or thirty beds,
58 whichever is greater, if that same licensure category in such facility has
59 experienced an average occupancy of ninety-three percent or greater over the
60 previous six quarters;

61 b. A facility with fewer than forty beds may expand its licensed bed
62 capacity within the same licensure category by twenty-five percent or ten beds,
63 whichever is greater, if that same licensure category in such facility has
64 experienced an average occupancy of ninety-two percent or greater over the
65 previous six quarters;

66 c. A facility adding beds pursuant to subparagraphs a. or b. of this
67 paragraph shall not expand by more than fifty percent of its then licensed bed
68 capacity in the qualifying licensure category;

69 (2) Any beds sold shall, for five years from the date of relicensure by the
70 purchaser, remain unlicensed and unused for any long-term care service in the
71 selling facility, whether they do or do not require a license;

72 (3) The beds purchased shall, for two years from the date of purchase,
73 remain in the bed inventory attributed to the selling facility and be considered
74 by the department of social services as licensed and available for purposes of this
75 section;

76 (4) Any residential care facility licensed pursuant to chapter 198, RSMo,
77 may relocate any portion of such facility's current licensed beds to any other
78 facility to be licensed within the same licensure category if both facilities are
79 under the same licensure ownership or control, and are located within six miles
80 of each other;

81 (5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell
82 individual long-term care licensed beds to facilities qualifying pursuant to
83 paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which
84 transfers or sells licensed beds shall not expand its licensed bed capacity in that
85 licensure category for a period of five years from the date the licensure is
86 relinquished.

87 [9.] 8. Any existing licensed and operating health care facility offering
88 long-term care services may replace one-half of its licensed beds at the same site
89 or a site not more than thirty miles from its current location if, for at least the

90 most recent four consecutive calendar quarters, the facility operates only fifty
91 percent of its then licensed capacity with every resident residing in a private
92 room. In such case:

93 (1) The facility shall report to the division of aging vacant beds as
94 unavailable for occupancy for at least the most recent four consecutive calendar
95 quarters;

96 (2) The replacement beds shall be built to private room specifications and
97 only used for single occupancy; and

98 (3) The existing facility and proposed facility shall have the same owner
99 or owners, regardless of corporate or business structure, and such owner or
100 owners shall stipulate in writing that the existing facility beds to be replaced will
101 not later be used to provide long-term care services. If the facility is being
102 operated under a lease, both the lessee and the owner of the existing facility shall
103 stipulate the same in writing.

104 [10.] 9. Nothing in this section shall prohibit a health care facility
105 licensed pursuant to chapter 198, RSMo, from being replaced in its entirety
106 within fifteen miles of its existing site so long as the existing facility and
107 proposed or replacement facility have the same owner or owners regardless of
108 corporate or business structure and the health care facility being replaced
109 remains unlicensed and unused for any long-term care services whether they do
110 or do not require a license from the date of licensure of the replacement facility.

111 EXPLANATION: Subsection 3 of this section expired January 1, 2003.

197.366. The [provisions of subdivision (8) of section 197.305 to the
2 contrary notwithstanding, after December 31, 2001, the] term "health care
3 facilities" in sections 197.300 to 197.366 shall mean:

4 (1) Facilities licensed under chapter 198, RSMo;

5 (2) Long-term care beds in a hospital as described in subdivision (3) of
6 subsection 1 of section 198.012, RSMo;

7 (3) Long-term care hospitals or beds in a long-term care hospital meeting
8 the requirements described in 42 CFR, section 412.23(e); and

9 (4) Construction of a new hospital as defined in chapter 197.

10 EXPLANATION: This section replaces the definition in Section 197.305.

313.835. 1. All revenue received by the commission from license fees,
2 penalties, administrative fees, reimbursement by any excursion gambling boat
3 operators for services provided by the commission and admission fees authorized
4 pursuant to the provisions of sections 313.800 to 313.850, except that portion of
5 the admission fee, not to exceed one cent, that may be appropriated to the

6 compulsive gamblers fund as provided in section 313.820, shall be deposited in
7 the state treasury to the credit of the "Gaming Commission Fund" which is
8 hereby created for the sole purpose of funding the administrative costs of the
9 commission, subject to appropriation. Moneys deposited into this fund shall not
10 be considered proceeds of gambling operations. Moneys deposited into the gaming
11 commission fund shall be considered state funds pursuant to article IV, section
12 15 of the Missouri Constitution. All interest received on the gaming commission
13 fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be
15 compared to total expenditures and transfers from the gaming commission fund
16 for the preceding fiscal year. The remaining net proceeds in the gaming
17 commission fund shall be distributed in the following manner:

18 (1) The first five hundred thousand dollars shall be appropriated on a per
19 capita basis to cities and counties that match the state portion and have
20 demonstrated a need for funding community neighborhood organization programs
21 for the homeless and to deter gang-related violence and crimes;

22 (2) The remaining net proceeds in the gaming commission fund for fiscal
23 year 1998 and prior years shall be transferred to the "Veterans' Commission
24 Capital Improvement Trust Fund", as hereby created in the state treasury. The
25 state treasurer shall administer the veterans' commission capital improvement
26 trust fund, and the moneys in such fund shall be used solely, upon appropriation,
27 by the Missouri veterans' commission for:

28 (a) The construction, maintenance or renovation or equipment needs of
29 veterans' homes in this state;

30 (b) The construction, maintenance, renovation, equipment needs and
31 operation of veterans' cemeteries in this state;

32 (c) Fund transfers to Missouri veterans' homes fund established pursuant
33 to the provisions of section 42.121, RSMo, as necessary to maintain solvency of
34 the fund;

35 (d) Fund transfers to any municipality with a population greater than four
36 hundred thousand and located in part of a county with a population greater than
37 six hundred thousand in this state which has established a fund for the sole
38 purpose of the restoration, renovation and maintenance of a memorial or museum
39 or both dedicated to World War I. Appropriations from the veterans' commission
40 capital improvement trust fund to such memorial fund shall be provided only as
41 a one-time match for other funds devoted to the project and shall not exceed five
42 million dollars. Additional appropriations not to exceed ten million dollars total

43 may be made from the veterans' commission capital improvement trust fund as
44 a match to other funds for the new construction or renovation of other facilities
45 dedicated as veterans' memorials in the state. All appropriations for renovation,
46 new construction, reconstruction, and maintenance of veterans' memorials shall
47 be made only for applications received by the Missouri veterans' commission prior
48 to July 1, 2004;

49 (e) The issuance of matching fund grants for veterans' service officer
50 programs to any federally chartered veterans' organization or municipal
51 government agency that is certified by the Veterans Administration to process
52 veteran claims within the Veterans Administration System; provided that such
53 veterans' organization has maintained a veterans' service officer presence within
54 the state of Missouri for the three-year period immediately preceding the issuance
55 of any such grant. A total of one million dollars in grants shall be made available
56 annually with grants being issued in July of each year. Application for the
57 matching grants shall be made through and approved by the Missouri veterans'
58 commission based on the requirements established by the commission;

59 (f) For payment of Missouri national guard and Missouri veterans'
60 commission expenses associated with providing medals, medallions and
61 certificates in recognition of service in the armed forces of the United States
62 during World War II and the Korean Conflict pursuant to sections 42.170 to
63 42.206, RSMo. Any funds remaining from the medals, medallions and certificates
64 shall not be transferred to any other fund and shall only be utilized for the
65 awarding of future medals, medallions, and certificates in recognition of service
66 in the armed forces; and

67 (g) Fund transfers totaling ten million dollars to any municipality with
68 a population greater than three hundred fifty thousand inhabitants and located
69 in part in a county with a population greater than six hundred thousand
70 inhabitants and with a charter form of government, for the sole purpose of the
71 construction, restoration, renovation and maintenance of a memorial or museum
72 or both dedicated to World War I.

73 Any interest which accrues to the fund shall remain in the fund and shall be used
74 in the same manner as moneys which are transferred to the fund pursuant to this
75 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
76 moneys in the veterans' commission capital improvement trust fund at the end
77 of any biennium shall not be transferred to the credit of the general revenue fund;

78 (3) The remaining net proceeds in the gaming commission fund for fiscal
79 year 1999 and each fiscal year thereafter shall be distributed as follows:

80 (a) The first four and one-half million dollar portion shall be transferred
81 to the access Missouri financial assistance fund, established pursuant to the
82 provisions of sections 173.1101 to 173.1107, RSMo, and additional moneys as
83 annually appropriated by the general assembly shall be appropriated to such
84 fund;

85 (b) The second three million dollar portion shall be transferred to the
86 veterans' commission capital improvement trust fund;

87 (c) The third three million dollar portion shall be transferred to the
88 Missouri national guard trust fund created in section 41.214, RSMo;

89 (d) Subject to appropriations, one hundred percent of remaining net
90 proceeds in the gaming commission fund except as provided in paragraph (l) of
91 this subdivision, and after the appropriations made pursuant to the provisions of
92 paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the "Early
93 Childhood Development, Education and Care Fund" which is hereby created to
94 give parents meaningful choices and assistance in choosing the child-care and
95 education arrangements that are appropriate for their family. All interest
96 received on the fund shall be credited to the fund. Notwithstanding the
97 provisions of section 33.080, RSMo, moneys in the fund at the end of any
98 biennium shall not be transferred to the credit of the general revenue fund. Any
99 moneys deposited in such fund shall be used to support programs that prepare
100 children prior to the age in which they are eligible to enroll in kindergarten,
101 pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys
102 deposited in the early childhood development, education and care fund shall be
103 annually appropriated for voluntary, early childhood development, education and
104 care programs serving children in every region of the state not yet enrolled in
105 kindergarten;

106 (e) No less than sixty percent of moneys deposited in the early childhood
107 development, education and care fund shall be appropriated as provided in this
108 paragraph to the department of elementary and secondary education and to the
109 department of social services to provide early childhood development, education
110 and care programs through competitive grants to, or contracts with, governmental
111 or private agencies. Eighty percent of such moneys pursuant to the provisions of
112 this paragraph and additional moneys as appropriated by the general assembly
113 shall be appropriated to the department of elementary and secondary education
114 and twenty percent of such moneys pursuant to the provisions of this paragraph
115 shall be appropriated to the department of social services. The departments shall
116 provide public notice and information about the grant process to potential

117 applicants:

118 a. Grants or contracts may be provided for:

119 (i) Start-up funds for necessary materials, supplies, equipment and
120 facilities; and

121 (ii) Ongoing costs associated with the implementation of a sliding parental
122 fee schedule based on income;

123 b. Grant and contract applications shall, at a minimum, include:

124 (i) A funding plan which demonstrates funding from a variety of sources
125 including parental fees;

126 (ii) A child development, education and care plan that is appropriate to
127 meet the needs of children;

128 (iii) The identity of any partner agencies or contractual service providers;

129 (iv) Documentation of community input into program development;

130 (v) Demonstration of financial and programmatic accountability on an
131 annual basis;

132 (vi) Commitment to state licensure within one year of the initial grant, if
133 funding comes from the appropriation to the department of elementary and
134 secondary education and commitment to compliance with the requirements of the
135 department of social services, if funding comes from the department of social
136 services; and

137 (vii) With respect to applications by public schools, the establishment of
138 a parent advisory committee within each public school program;

139 c. In awarding grants and contracts pursuant to this paragraph, the
140 departments may give preference to programs which:

141 (i) Are new or expanding programs which increase capacity;

142 (ii) Target geographic areas of high need, namely where the ratio of
143 program slots to children under the age of six in the area is less than the same
144 ratio statewide;

145 (iii) Are programs designed for special needs children;

146 (iv) Are programs that offer services during nontraditional hours and
147 weekends; or

148 (v) Are programs that serve a high concentration of low-income families;

149 [d. Beginning on August 28, 1998, the department of elementary and
150 secondary education and the department of social services shall initiate and
151 conduct a four-year study to evaluate the impact of early childhood development,
152 education and care in this state. The study shall consist of an evaluation of
153 children eligible for moneys pursuant to this paragraph, including an evaluation

154 of the early childhood development, education and care of those children
155 participating in such program and those not participating in the program over a
156 four-year period. At the conclusion of the study, the department of elementary
157 and secondary education and the department of social services shall, within
158 ninety days of conclusion of the study, submit a report to the general assembly
159 and the governor, with an analysis of the study required pursuant to this
160 subparagraph, all data collected, findings, and other information relevant to early
161 childhood development, education and care;]

162 (f) No less than ten percent of moneys deposited in the early childhood
163 development, education and care fund shall be appropriated to the department
164 of social services to provide early childhood development, education and care
165 programs through child development, education and care certificates to families
166 whose income does not exceed one hundred eighty-five percent of the federal
167 poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C.
168 9858n(2) for the purpose of funding early childhood development, education and
169 care programs as approved by the department of social services. At a minimum,
170 the certificate shall be of a value per child which is commensurate with the per
171 child payment under item (ii) of subparagraph a. of paragraph (e) of this
172 subdivision pertaining to the grants or contracts. On February first of each year
173 the department shall certify the total amount of child development, education and
174 care certificates applied for and the unused balance of the funds shall be released
175 to be used for supplementing the competitive grants and contracts program
176 authorized pursuant to paragraph (e) of this subdivision;

177 (g) No less than ten percent of moneys deposited in the early childhood
178 development, education and care fund shall be appropriated to the department
179 of social services to increase reimbursements to child-care facilities for low-income
180 children that are accredited by a recognized, early childhood accrediting
181 organization;

182 (h) No less than ten percent of the funds deposited in the early childhood
183 development, education and care fund shall be appropriated to the department
184 of social services to provide assistance to eligible parents whose family income
185 does not exceed one hundred eighty-five percent of the federal poverty level who
186 wish to care for their children under three years of age in the home, to enable
187 such parent to take advantage of early childhood development, education and care
188 programs for such parent's child or children. At a minimum, the certificate shall
189 be of a value per child which is commensurate with the per child payment under
190 item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the

191 grants or contracts. The department of social services shall provide assistance
192 to these parents in the effective use of early childhood development, education
193 and care tools and methods;

194 (i) In setting the value of parental certificates under paragraph (f) of this
195 subdivision and payments under paragraph (h) of this subdivision, the
196 department of social services may increase the value based on the following:

197 a. The adult caretaker of the children successfully participates in the
198 parents as teachers program pursuant to the provisions of sections 178.691 to
199 178.699, RSMo, a training program provided by the department on early
200 childhood development, education and care, the home-based Head Start program
201 as defined in 42 U.S.C. 9832 or a similar program approved by the department;

202 b. The adult caretaker consents to and clears a child abuse or neglect
203 screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo;
204 and

205 c. The degree of economic need of the family;

206 (j) The department of elementary and secondary education and the
207 department of social services each shall by rule promulgated pursuant to chapter
208 536, RSMo, establish guidelines for the implementation of the early childhood
209 development, education and care programs as provided in paragraphs (e) through
210 (i) of this subdivision;

211 (k) Any rule or portion of a rule, as that term is defined in section
212 536.010, RSMo, that is promulgated under the authority delegated in paragraph
213 (j) of this subdivision shall become effective only if the agency has fully complied
214 with all of the requirements of chapter 536, RSMo, including but not limited to,
215 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking
216 authority delegated prior to August 28, 1998, is of no force and effect and
217 repealed as of August 28, 1998, however, nothing in this section shall be
218 interpreted to repeal or affect the validity of any rule adopted or promulgated
219 prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the
220 provisions of this section are nonseverable and if any of the powers vested with
221 the general assembly pursuant to section 536.028, RSMo, to review, to delay the
222 effective date, or to disapprove and annul a rule or portion of a rule are held
223 unconstitutional or invalid, the purported grant of rulemaking authority and any
224 rule so proposed and contained in the order of rulemaking shall be invalid and
225 void, except that nothing in this act shall affect the validity of any rule adopted
226 and promulgated prior to August 28, 1998;

227 (l) When the remaining net proceeds, as such term is used pursuant to

228 paragraph (d) of this subdivision, in the gaming commission fund annually
229 exceeds twenty-eight million dollars: one-half million dollars of such proceeds
230 shall be transferred annually, subject to appropriation, to the access Missouri
231 financial assistance fund, established pursuant to the provisions of sections
232 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be
233 transferred annually, subject to appropriation, to the veterans' commission capital
234 improvement trust fund; and one million dollars of such proceeds shall be
235 transferred annually, subject to appropriation, to the Missouri national guard
236 trust fund created in section 41.214, RSMo.

237 2. Upon request by the veterans' commission, the general assembly may
238 appropriate moneys from the veterans' commission capital improvements trust
239 fund to the Missouri national guard trust fund to support the activities described
240 in section 41.958, RSMo.

241 EXPLANATION: The time period requirement for the study required under
242 subparagraph d. of paragraph (e) of subdivision (3) of subsection 1 of this section
243 expired in 2002.

328.050. [1.] Each member of the board shall receive as compensation an
2 amount set by the board not to exceed fifty dollars for each day devoted to the
3 affairs of the board, and shall be entitled to reimbursement of his expenses
4 necessarily incurred in the discharge of his official duties. [All money payable
5 under this chapter shall be collected by the division of professional registration
6 in the department of economic development which shall transmit them to the
7 department of revenue for deposit in the state treasury to the credit of a "Board
8 of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund
9 only for the payment of the salaries, office and other necessary expenses of the
10 board. A detailed statement of the expenses incurred by the board, approved by
11 the secretary-treasurer of the board, shall be filed with the commissioner of
12 administration before warrants are drawn for their payment.

13 2. The provisions of section 33.080, RSMo, to the contrary
14 notwithstanding, money in this fund shall not be transferred and placed to the
15 credit of general revenue until the amount in the fund at the end of the biennium
16 exceeds two times the amount of the appropriation from the board's funds for the
17 preceding fiscal year or, if the board requires by rule permit renewal less
18 frequently than yearly, then three times the appropriation from the board's funds
19 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
20 is that amount in the fund which exceeds the appropriate multiple of the
21 appropriations from the board's funds for the preceding fiscal year.]

22 EXPLANATION: The fund created in this section was abolished by Section
23 329.028 in 2005.

329.028. 1. There is hereby created in the state treasury a fund to be
2 known as the "Board of Cosmetology and Barber Examiners Fund", which shall
3 consist of all moneys collected by the board. All fees provided for in this chapter
4 and chapter 328, RSMo, shall be payable to the director of the division of
5 professional registration in the department of economic development, who shall
6 keep a record of the account showing the total payments received and shall
7 immediately thereafter transmit them to the department of revenue for deposit
8 in the state treasury to the credit of the board of cosmetology and barber
9 examiners fund. All the salaries and expenses for the operation of the board shall
10 be appropriated and paid from such fund.

11 2. The provisions of section 33.080, RSMo, to the contrary
12 notwithstanding, money in this fund shall not be transferred and placed to the
13 credit of general revenue until the amount in the fund at the end of the biennium
14 exceeds two times the amount of the appropriation from the board's funds for the
15 preceding fiscal year or, if the board requires by rule license renewal less
16 frequently than yearly, then three times the appropriation from the board's funds
17 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
18 is that amount in the fund which exceeds the appropriate multiple of the
19 appropriations from the board's funds for the preceding fiscal year.

20 [3. Upon appointment by the governor and confirmation by the senate of
21 the board, all moneys deposited in the board of barbers fund created in section
22 328.050, RSMo, and the state board of cosmetology fund created in section
23 329.240, shall be transferred to the board of cosmetology and barber examiners
24 fund created in subsection 1 of this section. The board of barbers fund and the
25 state board of cosmetology fund shall be abolished when all moneys are
26 transferred to the board of cosmetology and barber examiners fund.]

27 EXPLANATION: The requirement in subsection 3 for the transfer of moneys
28 from abolished funds has occurred.

329.240. [1.] All fees provided for in this chapter shall be payable to the
2 director of the division of professional registration in the department of economic
3 development who shall keep a record of the account showing the total payments
4 received and shall immediately thereafter transmit them [to the department of
5 revenue for deposit in the state treasury to the credit of a fund to be known as
6 the "State Board of Cosmetology Fund". All the salaries and expenses for the
7 operation of the board shall be appropriated and paid from such fund.

8 2. The provisions of section 33.080, RSMo, to the contrary
9 notwithstanding, money in this fund shall not be transferred and placed to the
10 credit of general revenue until the amount in the fund at the end of the biennium
11 exceeds two times the amount of the appropriation from the board's funds for the
12 preceding fiscal year or, if the board requires by rule permit renewal less
13 frequently than yearly, then three times the appropriation from the board's funds
14 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
15 is that amount in the fund which exceeds the appropriate multiple of the
16 appropriations from the board's funds for the preceding fiscal year].

17 EXPLANATION: The fund in this section was abolished by Section 329.028 in
18 2005.

620.515. 1. This section shall be known and may be cited as the "Guard
2 at Home" program whose purpose is to:

3 (1) Assist the spouse of an active duty national guard or reserve
4 component service member reservist to address immediate needs and employment
5 in an attempt to keep the family from falling into poverty while the primary
6 income earner is on active duty; and

7 (2) Assist returning national guard troops with finding work in situations
8 where an individual needs to rebuild business clientele or where an individual's
9 job has been eliminated while such individual was deployed.

10 2. Subject to appropriation, the department of economic development shall
11 enter into a contract with qualified providers through local workforce investment
12 boards to provide the guard at home program. The department shall develop the
13 criteria of the contract based on the following criteria:

14 (1) Eligible participants in the program shall be those families where:

15 (a) The primary income earner was called to active duty in defense of the
16 United States for a period of more than four months;

17 (b) The family's primary income is no longer available;

18 (c) The family is experiencing significant hardship due to financial
19 burdens; and

20 (d) The family has no outside resources available to assist with such
21 hardships;

22 (2) Services that may be provided to the family will be aimed at
23 ameliorating the immediate crisis and providing a path for economic stability
24 while the primary income is not available due to the active military
25 commitment. Services may include, but not be limited to the following:

26 (a) Financial assistance to families facing financial crisis from overdue

27 bills due to reduced income after the deployment of a spouse;

28 (b) Help paying day care costs to pursue training and or employment;

29 (c) Help covering the costs of transportation to training and or
30 employment;

31 (d) Vocational evaluation and vocational counseling to help the individual
32 choose a visible employment goal;

33 (e) Vocational training to acquire or upgrade skills needed to be
34 marketable in the workforce;

35 (f) Paid internships and subsidized employment to train on the job; and

36 (g) Job placement assistance for those who don't require skills training;

37 (3) The department shall ensure the eligible providers are:

38 (a) Community-based not-for-profit agencies which have significant
39 experience in job training, placement, and social services;

40 (b) Providers with extensive experience providing such services to
41 veterans and implementing contracts with veteran organizations such as the
42 department of veteran affairs;

43 (c) Providers which have attained the distinction of being accredited
44 through a national accreditation body for training and or human services;

45 (d) Providers which are able to provide a twenty percent match to the
46 program either through indirect or direct expenditures; and

47 (e) Providers with experience in the regions targeted for the program.

48 3. The department shall structure the contract such that payment will be
49 based on delivering the services described in this section as well as performance
50 to guarantee the greatest possible effectiveness of the program.

51 4. Because of the important nature of this program to the health and
52 welfare of Missourians, this section shall become effective on July 1, 2006. The
53 department shall make every reasonable effort to ensure that the guard at home
54 program is serving families by August 1, 2006.

55 [5. The department shall prepare a report on the operations and progress
56 of the program to be delivered to the speaker of the house of representatives and
57 the president pro tem of the senate no later than January 1, 2007.]

58 EXPLANATION: Subsection 5 of this section is ineffective by its own provisions;
59 the report was due for submission no later than January 1, 2007.

[21.800. 1. There is established a joint committee of the
2 general assembly to be known as the "Joint Committee on
3 Terrorism, Bioterrorism, and Homeland Security" to be composed
4 of seven members of the senate and seven members of the house of

5 representatives. The senate members of the joint committee shall
6 be appointed by the president pro tem and minority floor leader of
7 the senate and the house members shall be appointed by the
8 speaker and minority floor leader of the house of
9 representatives. The appointment of each member shall continue
10 during the member's term of office as a member of the general
11 assembly or until a successor has been appointed to fill the
12 member's place when his or her term of office as a member of the
13 general assembly has expired. No party shall be represented by
14 more than four members from the house of representatives nor
15 more than four members from the senate. A majority of the
16 committee shall constitute a quorum, but the concurrence of a
17 majority of the members shall be required for the determination of
18 any matter within the committee's duties.

19 2. The joint committee shall:

20 (1) Make a continuing study and analysis of all state
21 government terrorism, bioterrorism, and homeland security efforts;

22 (2) Devise a standard reporting system to obtain data on
23 each state government agency that will provide information on each
24 agency's terrorism and bioterrorism preparedness, and homeland
25 security status at least biennially;

26 (3) Determine from its study and analysis the need for
27 changes in statutory law; and

28 (4) Make any other recommendation to the general
29 assembly necessary to provide adequate terrorism and bioterrorism
30 protections, and homeland security to the citizens of the state of
31 Missouri.

32 3. The joint committee shall meet within thirty days after
33 its creation and organize by selecting a chairperson and a vice
34 chairperson, one of whom shall be a member of the senate and the
35 other a member of the house of representatives. The chairperson
36 shall alternate between members of the house and senate every two
37 years after the committee's organization.

38 4. The committee shall meet at least quarterly. The
39 committee may meet at locations other than Jefferson City when
40 the committee deems it necessary.

41 5. The committee shall be staffed by legislative personnel

42 as is deemed necessary to assist the committee in the performance
43 of its duties.

44 6. The members of the committee shall serve without
45 compensation but shall be entitled to reimbursement for actual and
46 necessary expenses incurred in the performance of their official
47 duties.

48 7. It shall be the duty of the committee to compile a full
49 report of its activities for submission to the general assembly. The
50 report shall be submitted not later than the fifteenth of January of
51 each year in which the general assembly convenes in regular
52 session and shall include any recommendations which the
53 committee may have for legislative action as well as any
54 recommendations for administrative or procedural changes in the
55 internal management or organization of state or local government
56 agencies and departments. Copies of the report containing such
57 recommendations shall be sent to the appropriate directors of state
58 or local government agencies or departments included in the report.

59 8. The provisions of this section shall expire on December
60 31, 2007.]

61 EXPLANATION: This section expired 12-31-07.

[21.811. 1. The joint committee on tax policy, as
2 established in section 21.810, shall review and analyze the local
3 property tax assessment practices of this state. The committee
4 shall make recommendations to the general assembly regarding its
5 findings with regard to the state's assessment practices. The
6 committee shall submit a preliminary report to the general
7 assembly by January 1, 2006, and a final report by June 30, 2006.

8 2. The committee shall report to the state tax commission
9 any concerns it finds regarding the state's assessment practices as
10 outlined under chapter 137, RSMo. The state tax commission shall
11 ensure that all counties are accurately assessed, as provided by
12 statute.]

13 EXPLANATION: The final report required in this section was due on June 30,
14 2006.

[28.163. The secretary of state may, by administrative rule,
2 provide for a one-time increase not to exceed the amounts specified
3 in sections 347.740, RSMo, 351.127, RSMo, 355.023, RSMo,

4 356.233, RSMo, 359.653, RSMo, 400.9-508, RSMo, and 417.018,
5 RSMo.]

6 EXPLANATION: This section is ineffective by its own provisions; it was passed
7 in 1994 and provides for a one-time increase.

[57.130. 1. The sheriffs of the several counties shall collect
2 and account for all the fines, penalties, forfeitures and other sums
3 of money, by whatever name designated, accruing to the state or
4 any county by virtue of any order, judgment or decree of a court of
5 record, provided that by court rule provision may be made for a
6 court clerk to collect fines, penalties, forfeitures and other sums of
7 money accruing to the state by virtue of any order, judgment or
8 decree of the court.

9 2. The provisions of this section shall expire and be of no
10 force and effect on and after July 1, 2007.]

11 EXPLANATION: This section expired 07-01-07.

[71.970. 1. Municipalities may own and operate cable
2 television facilities on a nondiscriminatory, competitively neutral
3 basis, and at a price which covers costs, including imputed costs
4 that the political subdivision would incur if it were a for-profit
5 business. No municipality may own or operate cable television
6 facilities and services unless approved by a vote of the people. This
7 section shall apply only to municipalities that acquire or construct
8 cable television facilities and services after August 28, 2002.

9 2. The public service commission shall annually study the
10 economic impact of the provisions of this section and prepare and
11 submit a report to the general assembly by December thirty-first
12 of each year.

13 3. The provisions of this section shall terminate on August
14 28, 2007.]

15 EXPLANATION: This section expired 08-28-07.

[99.799. 1. The joint committee on tax policy shall conduct
2 a study of the feasibility of creating a program to allow
3 municipalities within the state to engage in tax increment
4 finance-like projects with optional tax abatement in any area of
5 such municipality regardless of the existence of blight. The
6 committee shall report its findings to the general assembly no later
7 than December 31, 2007.

8 2. The provisions of this section shall expire on January 1,
9 2008.]

10 EXPLANATION: This section expired 01-01-08.

 [165.016. 1. A school district shall expend as a percentage
2 of current operating cost, for tuition, teacher retirement and
3 compensation of certificated staff, a percentage that is for the
4 1994-95 and 1995-96 school years no less than three percentage
5 points less than the base school year certificated salary percentage
6 and for the 1996-97 school year, no less than two percentage points
7 less than the base school year certificated salary percentage. A
8 school district may exclude transportation and school safety and
9 security expenditures from the current operating cost calculation
10 of the base year and the year or years for which the compliance
11 percentage is calculated. The base school year certificated salary
12 percentage shall be the two-year average percentage of the 1991-92
13 and 1992-93 school years except as otherwise established by the
14 state board under subsection 4 of this section; except that, for any
15 school district experiencing, over a period of three consecutive
16 years, an average yearly increase in average daily attendance of at
17 least three percent, the base school year certificated salary
18 percentage may be the two-year average percentage of the last two
19 years of such period of three consecutive years, at the discretion of
20 the school district.

21 2. Beginning with the 1997-98 school year, a school district
22 shall:

23 (1) Expend, as a percentage of current operating cost, as
24 determined in subsection 1 of this section, for tuition, teacher
25 retirement and compensation of certificated staff, a percentage that
26 is no less than two percentage points less than the base school year
27 certificated salary percentage; or

28 (2) For any year in which no payment of a penalty is
29 required for the district under subsection 6 of this section, have an
30 unrestricted fund balance in the combined incidental and teachers'
31 funds on June thirtieth which is equal to or less than ten percent
32 of the combined expenditures for the year from those funds.

33 3. Beginning with the 1999-00 school year:

34 (1) As used in this subsection, "fiscal instructional ratio of

efficiency" or "FIRE" means the quotient of the sum of the district's current operating costs, which for this section shall mean all expenditures for instruction and support services, excluding capital outlay and debt service expenditures less the revenue from federal categorical sources, food service, student activities, and payments from other districts, for all kindergarten through grade twelve direct instructional and direct pupil support service functions plus the costs of improvement of instruction and the cost of purchased services and supplies for operation of the facilities housing those programs, and excluding student activities, divided by the sum of the district's current operating cost, as defined in this subdivision, for kindergarten through grade twelve, plus all tuition revenue received from other districts minus all noncapital transportation and school safety and security costs;

(2) A school district shall show compliance with this section in school year 1998-99 and thereafter by the method described in subsections 1 and 2 of this section, or by maintaining or increasing its fiscal instructional ratio of efficiency compared to its FIRE for the 1997-98 base year.

4. (1) The state board of education may exempt a school district from the requirements of this section upon receiving a request for an exemption by a school district. The request shall show the reason or reasons for the noncompliance, and the exemption shall apply for only one school year. Requests for exemptions under this subdivision may be resubmitted in succeeding years.

(2) A school district may request of the state board a one-time, permanent revision of the base school year certificated salary percentage. The request shall show the reason or reasons for the revision.

5. Any school district requesting an exemption or revision under subsection 4 of this section must notify the certified staff of the district in writing of the district's intent. Prior to granting an exemption or revision, the state board shall consider comments from certified staff of the district. The state board decision shall be final.

6. Any school district which is determined by the

department to be in violation of the requirements of subsection 1 or 2 of this section, or both, shall compensate the building-level administrative staff and nonadministrative certificated staff during the year following the notice of violation by an additional amount which is equal to one hundred ten percent of the amount necessary to bring the district into compliance with this section for the year of violation. In any year in which a penalty is paid, the district shall pay the penalty specified in this subsection in addition to the amount required under this section for the current school year.

7. Any additional transfers from the teachers' or incidental fund to the capital projects fund beyond the transfers authorized by state law and state board policy in effect on January 1, 1996, shall be considered expenditures from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1, 2 and 3 of this section.

8. The provisions of this section shall not apply to any district wherein the local effort is greater than its weighted average daily attendance multiplied by the state adequacy target multiplied by the dollar value modifier under section 163.031, RSMo.

9. The provisions of subsections 1 to 8 of this section shall not apply to any district that has unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than seventeen percent of the combined expenditure for the preceding year from these funds in any year in which state funds distributed pursuant to subsections 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such state funds distributed in fiscal year 2002.

10. The provisions of subsections 1 to 8 of this section shall not apply to any district which meets the following criteria:

(1) With ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment;

(2) With unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than one-half of the local property

109 tax revenue for the previous year; and

110 (3) In any year in which state funds distributed pursuant
111 to subsections 1 and 2 of section 163.031, RSMo, are no more than
112 ninety-six percent of such state funds distributed in fiscal year
113 2002.

114 11. The provisions of this section shall terminate on June
115 30, 2007.]

116 EXPLANATION: This section expired 06-30-07.

[165.018. 1. Any school district shall be permitted to make
2 a one-time additional transfer from the incidental fund to the
3 capital projects fund in an amount not to exceed forty percent of
4 that district's June 30, 2006, incidental fund if such school district
5 meets one of the following qualifications:

6 (1) Has an average daily attendance between nine hundred
7 forty and one thousand forty during the 2004-2005 school year,
8 located at least partially in a county of the third classification with
9 a township form of government and with more than twenty-nine
10 thousand seven hundred but fewer than twenty-nine thousand
11 eight hundred inhabitants and which entirely encompasses a city
12 of the fourth classification with more than one thousand one
13 hundred but fewer than one thousand two hundred inhabitants; or

14 (2) Has an average daily attendance between six hundred
15 and six hundred thirty during the 2004-2005 school year, located
16 at least partially in any county of the second classification with
17 more than fifty-five thousand six hundred but fewer than fifty-five
18 thousand seven hundred inhabitants; or

19 (3) Has an average daily attendance between four hundred
20 sixty and four hundred ninety during the 2004-2005 school year,
21 located at least partially in any county of the third classification
22 without a township form of government and with more than
23 twenty-three thousand two hundred fifty but fewer than
24 twenty-three thousand three hundred fifty inhabitants; or

25 (4) Has an average daily attendance between one thousand
26 four hundred and one thousand five hundred during the 2004-2005
27 school year and is located entirely within a county of the third
28 classification without a township form of government and with
29 more than twenty thousand but fewer than twenty thousand one

30 hundred inhabitants.

31 2. The provisions of this section shall terminate on July 1,
32 2007.]

33 EXPLANATION: This section expired on 07-01-07.

 [208.344. 1. By December 1, 2002, and annually thereafter,
2 the division of family services shall submit a report to the
3 governor, the president pro tempore of the senate, and the speaker
4 of the house of representatives regarding the progress of welfare
5 reform in Missouri. The report shall include, but not be limited to,
6 current statistics and recommendations regarding:

7 (1) Individuals who have successfully left welfare and
8 employment of such individuals;

9 (2) Individuals who remain on or have returned to welfare;
10 and

11 (3) Benefits of welfare reform realized by families,
12 employers, and the state.

13 2. The provisions of this section shall expire on December
14 31, 2007.]

15 EXPLANATION: This section expired on 12-31-07.

 [217.860. 1. There is hereby created within the department
2 of corrections a "Task Force on Alternative Sentencing". The
3 primary duty of the task force is to develop a statewide plan for
4 alternative sentencing programs. The plan shall include, but not
5 be limited to, the following:

6 (1) Public-private partnerships;

7 (2) Job training;

8 (3) Job placement;

9 (4) Conflict resolution treatment; and

10 (5) Alcohol and drug rehabilitation.

11 2. In developing this statewide plan the task force shall at
12 a minimum acquire and review the following information:

13 (1) The cost per year to incarcerate one offender;

14 (2) The cost of the proposed alternative sentencing program
15 or programs per year;

16 (3) The recidivism rate for different types of offenses; and

17 (4) Information and research to assist the task force in
18 determining which classes of offenders should be targeted in

19 alternative sentencing programs.

20 3. The task force created in this section shall be comprised
21 of the following members or their designees from the entity
22 represented:

23 (1) The director;

24 (2) The director of the division of probation and parole;

25 (3) Two probation and parole officers or supervisors, who
26 shall be appointed by the director of the division of probation and
27 parole;

28 (4) One member of the department of economic
29 development's workforce development office who shall be appointed
30 by the director of the department of economic development;

31 (5) Two circuit or associate circuit judges who shall be
32 appointed by the governor;

33 (6) Two chief executive officers of two different private
34 businesses that employ a minimum of twenty employees each who
35 shall be appointed by the governor;

36 (7) Two prosecuting attorneys who shall be appointed by
37 the governor;

38 (8) Two members of the house of representatives, one of
39 whom shall be appointed by the speaker of the house and one of
40 whom shall be appointed by the house minority leader; and

41 (9) Two members of the senate, one of whom shall be
42 appointed by the president pro tem of the senate and one of whom
43 shall be appointed by the senate minority leader.

44 4. The task force shall meet at least quarterly and shall
45 submit its recommendations and statewide plan for an alternative
46 sentencing program or programs to the governor, to the general
47 assembly, and to the director by December 31, 2006.

48 5. Members of the task force shall receive no additional
49 compensation but shall be eligible for reimbursement for mileage
50 directly related to the performance of task force duties.

51 6. The provisions of this section terminate on May 31,
52 2007.]

53 EXPLANATION: This section expired 05-31-07.

2 [303.400. The provisions of sections 303.400 to 303.415
shall be known as the "Motorist Insurance Identification Database

3 Act".]

4 EXPLANATION: This section expired 06-30-07.

5 [303.403. As used in sections 303.400 to 303.415, the
6 following terms mean:

7 (1) "Database", the motorist insurance identification
8 database;

9 (2) "Department", the department of revenue;

10 (3) "Designated agent", the party with which the
11 department contracts to implement the motorist insurance
12 identification database;

13 (4) "Program", the motorist insurance identification
14 database program.]

15 EXPLANATION: This section expired 06-30-07.

16 [303.406. 1. The "Motorist Insurance Identification
17 Database" is hereby created for the purpose of establishing a
18 database to use to verify compliance with the motor vehicle
19 financial responsibility requirements of this chapter. The program
20 shall be administered by the department and shall receive funding
21 from the "Motorist Insurance Identification Database Fund", which
22 is hereby created in the state treasury. Effective July 1, 2002, the
23 state treasurer shall credit to and deposit in the motorist insurance
24 identification database fund six percent of the net general revenue
portion received from collections of the insurance premiums tax
levied and collected pursuant to sections 148.310 to 148.461, RSMo.

2. To implement the program, the department may by July
1, 2002, contract with a designated agent which shall monitor
compliance with the motor vehicle financial responsibility
requirements of this chapter, except that the program shall not be
implemented to notify owners of registered motor vehicles until the
department certifies that the accuracy rate of the program exceeds
ninety-five percent in correctly identifying owners of registered
motor vehicles as having maintained or failed to maintain financial
responsibility. After the department has entered into a contract
with a designated agent, the department shall convene a working
group for the purpose of facilitating the implementation of the
program.

3. The designated agent, using its own computer network,

25 shall, no later than December 31, 2002, develop, deliver and
26 maintain a computer database with information provided by:

27 (1) Insurers, pursuant to sections 303.400 to 303.415;
28 except that, any person who qualifies as self-insured pursuant to
29 this chapter, or provides proof of insurance to the director pursuant
30 to the provisions of section 303.160, shall not be required to provide
31 information to the designated agent, but the state shall supply
32 these records to the designated agent for inclusion in the database;
33 and

34 (2) The department, which shall provide the designated
35 agent with the name, date of birth and address of all persons in its
36 computer database, and the make, year and vehicle identification
37 number of all registered motor vehicles.

38 4. The department shall establish guidelines for the
39 designated agent's development of the computer database so the
40 database can be easily accessed by state and local law enforcement
41 agencies within procedures already established, and shall not
42 require additional computer keystrokes or other additional
43 procedures by dispatch or law enforcement personnel. Once the
44 database is operational, the designated agent shall, at least
45 monthly, update the database with information provided by
46 insurers and the department, and compare then-current motor
47 vehicle registrations against the database.

48 5. Information provided to the designated agent by insurers
49 and the department for inclusion in the database established
50 pursuant to this section is the property of the insurer or the
51 department, as the case may be, and is not subject to disclosure
52 pursuant to chapter 610, RSMo. Such information may not be
53 disclosed except as follows:

54 (1) The designated agent shall verify a person's insurance
55 coverage upon request by any state or local government agency
56 investigating, litigating or enforcing such person's compliance with
57 the motor vehicle financial responsibility requirements of this
58 chapter;

59 (2) The department shall disclose whether an individual is
60 maintaining the required insurance coverage upon request of the
61 following individuals and agencies only:

- 62 (a) The individual;
- 63 (b) The parent or legal guardian of an individual if the
64 individual is an unemancipated minor;
- 65 (c) The legal guardian of the individual if the individual is
66 legally incapacitated;
- 67 (d) Any person who has power of attorney from the
68 individual;
- 69 (e) Any person who submits a notarized release from the
70 individual that is dated no more than ninety days before the
71 request is made;
- 72 (f) Any person claiming loss or injury in a motor vehicle
73 accident in which the individual is involved;
- 74 (g) The office of the state auditor, for the purpose of
75 conducting any audit authorized by law.
- 76 6. Any person or agency who knowingly discloses
77 information from the database for any purpose, or to a person,
78 other than those authorized in this section is guilty of a class A
79 misdemeanor. The state shall not be liable to any person for
80 gathering, managing or using information in the database pursuant
81 to this section. The designated agent shall not be liable to any
82 person for performing its duties pursuant to this section unless and
83 to the extent such agent commits a willful and wanton act or
84 omission or is negligent. The designated agent shall be liable to
85 any insurer damaged by the designated agent's negligent failure to
86 protect the confidentiality of the information and data disclosed by
87 the insurer to the designated agent. The designated agent shall
88 provide to this state an errors and omissions insurance policy
89 covering such agent in an appropriate amount. No insurer shall be
90 liable to any person for performing its duties pursuant to this
91 section unless and to the extent the insurer commits a willful and
92 wanton act of omission.
- 93 7. The department shall review the operation and
94 performance of the motorist insurance identification database
95 program to determine whether the number of uninsured motorists
96 has declined during the first three years following implementation
97 and shall submit a report of its findings to the general assembly no
98 later than January fifteenth of the year following the third

99 complete year of implementation. The department shall make
100 copies of its report available to each member of the general
101 assembly.

102 8. This section shall not supersede other actions or
103 penalties that may be taken or imposed for violation of the motor
104 vehicle financial responsibility requirements of this chapter.

105 9. The working group as provided for in subsection 2 of this
106 section shall consist of representatives from the insurance industry,
107 department of insurance, department of public safety and the
108 department of revenue. The director of revenue, after consultation
109 with the working group, shall promulgate any rules and
110 regulations necessary to administer and enforce this section. No
111 rule or portion of a rule promulgated pursuant to the authority of
112 this section shall become effective unless it has been promulgated
113 pursuant to the provisions of chapter 536, RSMo.]

114 EXPLANATION: This section expired 06-30-07.

[303.409. 1. If the motorist insurance identification
2 database indicates the owner of a registered motor vehicle has,
3 regardless of the owner's operation of such motor vehicle, failed to
4 maintain the financial responsibility required in section 303.025 for
5 two consecutive months, the designated agent shall on behalf of the
6 director inform the owner that the director will suspend the
7 owner's vehicle registration if the owner does not present proof of
8 insurance as prescribed by the director within thirty days from the
9 date of mailing. The designated agent shall not select owners of
10 fleet or rental vehicles or vehicles that are insured pursuant to a
11 commercial line policy for notification to determine motor vehicle
12 liability coverage. The director may prescribe rules and
13 regulations necessary for the implementation of this
14 subsection. The notice issued to the vehicle owner by the
15 designated agent shall be sent to the last known address shown on
16 the department's records. The notice is deemed received three days
17 after mailing. The notice of suspension shall clearly specify the
18 reason and statutory grounds for the suspension and the effective
19 date of the suspension, the right of the person to request a hearing,
20 the procedure for requesting a hearing and the date by which that
21 request for a hearing must be made. The suspension shall become

effective thirty days after the subject person is deemed to have received the notice of suspension by first class mail as provided in section 303.041. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay.

2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director.

4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in

59 accordance with this chapter prior to the end of the period of
60 suspension provided in this section, such period of suspension shall
61 be extended until such proof of insurance has been filed. In no
62 event shall filing proof of insurance reduce any period of
63 suspension. If proof of insurance is not maintained during the
64 three-year period following the reinstatement or termination of the
65 suspension, the director shall again suspend the license and motor
66 vehicle registration until proof of insurance is filed or the
67 three-year period has elapsed. In no event shall filing proof of
68 insurance reduce any period of suspension.

69 5. Notwithstanding the provisions of subsection 1 of this
70 section, the director shall not suspend the registration or
71 registrations of any owner who establishes to the satisfaction of the
72 director that the owner's motor vehicle was inoperable or being
73 stored and not operated on the date proof of financial responsibility
74 is required by the director.]

75 EXPLANATION: This section expired 06-30-07.

2 [303.412. 1. Beginning March 1, 2003, before the seventh
3 working date of each calendar month, all licensed insurance
4 companies in this state shall provide to the designated agent a
5 record of all policies in effect on the last day of the preceding
6 month. This subsection shall not prohibit more frequent reporting.

7 2. The record pursuant to subsection 1 of this section shall
8 include the following:

9 (1) The name, date of birth, driver's license number and
10 address of each insured;

11 (2) The make, year and vehicle identification number of
12 each insured motor vehicle;

13 (3) The policy number and effective date of the policy.

14 3. The department of revenue shall notify the department
15 of insurance of any insurer who violates any provisions of this
16 act. The department of insurance may, against any insurer who
17 fails to comply with this section, assess a fine not greater than one
18 thousand dollars per day of noncompliance. The department of
19 revenue may assess a fine not greater than one thousand dollars
20 per day against the designated agent for failure to complete the
project by the dates designated in sections 303.400 to 303.415

21 unless the delay is deemed beyond the control of the designated
22 agent or the designated agent provides acceptable proof that such
23 a noncompliance was inadvertent, accidental or the result of
24 excusable neglect. The department of insurance shall excuse the
25 fine against any insurer if an assessed insurer provides acceptable
26 proof that such insurer's noncompliance was inadvertent,
27 accidental or the result of excusable neglect.]

28 EXPLANATION: This section expired 06-30-07.

[303.415. 1. Sections 303.400 and 303.403 shall become
2 effective on July 1, 2002, and shall expire on June 30, 2007.

3 2. The enactment of section 303.025, and the repeal and
4 reenactment of sections 303.406, 303.409, 303.412 and 303.415
5 shall become effective July 1, 2002 and sections 303.406, 303.409
6 and 303.412 shall expire on June 30, 2007.]

7 EXPLANATION: This section expired 06-30-07.

[307.367. Prior to September 1, 2007, but no earlier than
2 August 1, 2007, all moneys held in the Missouri air pollution
3 control fund established under section 307.366 shall be transferred,
4 as deemed necessary by the state treasurer and commissioner of
5 administration, to the Missouri air emission reduction fund
6 established in section 643.350, RSMo, to be used for the purposes
7 of administering and enforcing the provisions of sections 643.300
8 to 643.355, RSMo. Prior to such date, any of the moneys in the
9 Missouri air pollution control fund that are needed to pay any
10 outstanding debt of the Missouri air pollution control fund, as
11 determined by the state treasurer, shall be exempted from the
12 provisions of this section. The Missouri air pollution control fund
13 shall be officially abolished on September 1, 2007.]

14 EXPLANATION: This section is ineffective by its own provisions; the fund was
15 officially abolished on September 1, 2007.

[374.208. The director shall study and recommend to the
2 general assembly changes to avoid unnecessary duplication of
3 market conduct activities and to implement uniform processes and
4 procedures for market analysis and market conduct examinations
5 which will more effectively utilize resources to protect insurance
6 consumers. The study shall be completed and recommendations
7 provided by January 1, 2008.]

8 EXPLANATION: The study required in this section was due January 1, 2008.

1 [376.671. 1. This section shall not apply to any
2 reinsurance, group annuity purchased under a retirement plan or
3 plan of deferred compensation established or maintained by an
4 employer (including a partnership or sole proprietorship) or by an
5 employee organization, or by both, other than a plan providing
6 individual retirement accounts or individual retirement annuities
7 under Section 408 of the Internal Revenue Code, as now or
8 hereafter amended, premium deposit fund, variable annuity,
9 investment annuity, immediate annuity, any deferred annuity
10 contract after annuity payments have commenced, or reversionary
11 annuity, nor to any contract which shall be delivered outside this
12 state through an agent or other representative of the company
13 issuing the contract.

14 2. In the case of contracts issued on or after the operative
15 date of this section as defined in subsection 11 of this section, no
16 contract of annuity, except as stated in subsection 1 of this section,
17 shall be delivered or issued for delivery in this state unless it
18 contains in substance the following provisions, or corresponding
19 provisions which in the opinion of the director are at least as
20 favorable to the contractholder, upon cessation of payment of
21 considerations under the contract:

22 (1) That upon cessation of payment of considerations under
23 a contract, the company will grant a paid-up annuity benefit on a
24 plan stipulated in the contract of such value as is specified in
25 subsections 4, 5, 6, 7, and 9 of this section;

26 (2) If a contract provides for a lump sum settlement at
27 maturity, or at any other time, that upon surrender of the contract
28 at or prior to the commencement of any annuity payments, the
29 company will pay in lieu of any paid-up annuity benefit a cash
30 surrender benefit of such amount as is specified in subsections 4,
31 5, 7, and 9 of this section. The company shall reserve the right to
32 defer the payment of such cash surrender benefit for a period of six
33 months after demand therefor with surrender of the contract;

34 (3) A statement of the mortality table, if any, and interest
35 rates used in calculating any minimum paid-up annuity, cash
36 surrender or death benefits that are guaranteed under the contract,

37 together with sufficient information to determine the amounts of
38 such benefits;

39 (4) A statement that any paid-up annuity, cash surrender
40 or death benefits that may be available under the contract are not
41 less than the minimum benefits required by any statute of the
42 state in which the contract is delivered and an explanation of the
43 manner in which such benefits are altered by the existence of any
44 additional amounts credited by the company to the contract, any
45 indebtedness to the company on the contract or any prior
46 withdrawals from or partial surrenders of the contract.

47 Notwithstanding the requirements of this section, any deferred
48 annuity contract may provide that if no considerations have been
49 received under a contract for a period of two full years and the
50 portion of the paid-up annuity benefit at maturity on the plan
51 stipulated in the contract arising from considerations paid prior to
52 such period would be less than twenty dollars monthly, the
53 company may at its option terminate such contract by payment in
54 cash of the then present value of such portion of the paid-up
55 annuity benefit, calculated on the basis of the mortality table, if
56 any, and interest rate specified in the contract for determining the
57 paid-up annuity benefit, and by such payment shall be relieved of
58 any further obligation under such contract.

59 3. The minimum values as specified in subsections 4, 5, 6,
60 7, and 9 of this section of any paid-up annuity, cash surrender or
61 death benefits available under an annuity contract shall be based
62 upon minimum nonforfeiture amounts as defined in this section.

63 (1) With respect to contracts providing for flexible
64 considerations, the minimum nonforfeiture amount at any time at
65 or prior to the commencement of any annuity payment shall be
66 equal to an accumulation up to such time at a rate of interest of
67 three percent per annum of percentages of the net considerations
68 (as hereinafter defined) paid prior to such time, decreased by the
69 sum of:

70 (a) Any prior withdrawals from or partial surrenders of the
71 contract accumulated at a rate of interest of three percent per
72 annum; and

73 (b) The amount of any indebtedness to the company on the

74 contract, including interest due and accrued and increased by any
75 existing additional amounts credited by the company to the
76 contract. The net considerations for a given contract year used to
77 define the minimum nonforfeiture amount shall be an amount not
78 less than zero and shall be equal to the corresponding gross
79 considerations credited to the contract during that contract year
80 less an annual contract charge of thirty dollars and less a collection
81 charge of one dollar and twenty-five cents per consideration
82 credited to the contract during that contract year. The percentages
83 of net considerations shall be sixty-five percent of the net
84 consideration for the first contract year and eighty-seven and
85 one-half percent of the net considerations for the second and later
86 contract years. Notwithstanding the provisions of the preceding
87 sentence, the percentage shall be sixty-five percent of the portion
88 of the total net consideration for any renewal contract year which
89 exceeds by not more than two times the sum of those portions of
90 the net considerations in all prior contract years for which the
91 percentage was sixty-five percent;

92 (2) With respect to contracts providing for fixed scheduled
93 considerations, minimum nonforfeiture amounts shall be calculated
94 on the assumption that considerations are paid annually in
95 advance and shall be defined as for contracts with flexible
96 considerations which are paid annually with two exceptions:

97 (a) The portion of the net consideration for the first contract
98 year to be accumulated shall be the sum of sixty-five percent of the
99 net consideration for the first contract year plus twenty-two and
100 one-half percent of the excess of the net consideration for the first
101 contract year over the lesser of the net considerations for the
102 second and third contract years;

103 (b) The annual contract charge shall be the lesser of thirty
104 dollars or ten percent of the gross annual consideration;

105 (3) With respect to contracts providing for a single
106 consideration, minimum nonforfeiture amounts shall be defined as
107 for contracts with flexible considerations except that the percentage
108 of net consideration used to determine the minimum nonforfeiture
109 amount shall be equal to ninety percent, and the net consideration
110 shall be the gross consideration less a contract charge of

111 seventy-five dollars;

112 (4) Notwithstanding any other provision of this subsection,
113 for any contract issued on or after July 1, 2002, and before July 1,
114 2006, the interest rate at which net considerations, prior
115 withdrawals, and partial surrenders shall be accumulated, for the
116 purpose of determining minimum nonforfeiture amounts, shall be
117 one and one-half percent per annum.

118 4. Any paid-up annuity benefit available under a contract
119 shall be such that its present value on the date annuity payments
120 are to commence is at least equal to the minimum nonforfeiture
121 amount on that date. Such present value shall be computed using
122 the mortality table, if any, and the interest rate specified in the
123 contract for determining the minimum paid-up annuity benefits
124 guaranteed in the contract.

125 5. For contracts which provide cash surrender benefits,
126 such cash surrender benefits available prior to maturity shall not
127 be less than the present value as of the date of surrender of that
128 portion of the maturity value of the paid-up annuity benefit which
129 would be provided under the contract at maturity arising from
130 considerations paid prior to the time of cash surrender reduced by
131 the amount appropriate to reflect any prior withdrawals from or
132 partial surrenders of the contract, such present value being
133 calculated on the basis of an interest rate not more than one
134 percent higher than the interest rate specified in the contract for
135 accumulating the net considerations to determine such maturity
136 value, decreased by the amount of any indebtedness to the company
137 on the contract, including interest due and accrued, and increased
138 by any existing additional amounts credited by the company to the
139 contract. In no event shall any cash surrender benefit be less than
140 the minimum nonforfeiture amount at that time. The death benefit
141 under such contracts shall be at least equal to the cash surrender
142 benefit.

143 6. For contracts which do not provide cash surrender
144 benefits, the present value of any paid-up annuity benefit available
145 as a nonforfeiture option at any time prior to maturity shall not be
146 less than the present value of that portion of the maturity value of
147 the paid-up annuity benefit provided under the contract arising

148 from considerations paid prior to the time the contract is
149 surrendered in exchange for, or changed to, a deferred paid-up
150 annuity, such present value being calculated for the period prior to
151 the maturity date on the basis of the interest rate specified in the
152 contract for accumulating the net considerations to determine such
153 maturity value, and increased by any existing additional amounts
154 credited by the company to the contract. For contracts which do
155 not provide any death benefits prior to the commencement of any
156 annuity payments, such present values shall be calculated on the
157 basis of such interest rate and the mortality table specified in the
158 contract for determining the maturity value of the paid-up annuity
159 benefit. However, in no event shall the present value of a paid-up
160 annuity benefit be less than the minimum nonforfeiture amount at
161 that time.

162 7. For the purpose of determining the benefits calculated
163 under subsections 5 and 6 of this section, in the case of annuity
164 contracts under which an election may be made to have annuity
165 payments commence at optional maturity date, the maturity date
166 shall be deemed to be the latest date for which election shall be
167 permitted by the contract, but shall not be deemed to be later than
168 the anniversary of the contract next following the annuitant's
169 seventieth birthday or the tenth anniversary of the contract,
170 whichever is later.

171 8. Any contract which does not provide cash surrender
172 benefits or does not provide death benefits at least equal to the
173 minimum nonforfeiture amount prior to the commencement of any
174 annuity payments shall include a statement in a prominent place
175 in the contract that such benefits are not provided.

176 9. Any paid-up annuity, cash surrender or death benefits
177 available at any time, other than on the contract anniversary under
178 any contract with fixed scheduled considerations, shall be
179 calculated with allowance for the lapse of time and the payment of
180 any scheduled considerations beyond the beginning of the contract
181 year in which cessation of payment of considerations under the
182 contract occurs.

183 10. For any contract which provides, within the same
184 contract by rider or supplemental contract provision, both annuity

benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections 4, 5, 6, 7, and 9 of this section, additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

11. After September 28, 1979, any company may file with the director a written notice of its election to comply with the provisions of this section after a specified date before September 28, 1981. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be September 28, 1981.

12. The provisions of this section shall expire on July 1, 2006.]

EXPLANATION: This section expired 07-01-06.

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